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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,532	06/01/2001	Daniel J. McGurran	56763USA2A.002	3298

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

AHMED, SHEEBA

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 04/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/872,532

Applicant(s)

MCGURRAN ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants Response under 37 CFR 1.11 has been entered in the above-identified application. **Claims 1-21 are pending.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renalls et al. (US 4,603,073) in view of Allen et al. (US 6,111,696).

Renalls et al. disclose a single or multilayer polyester film (***corresponding to the polymeric optical body of the claimed invention***) comprising 0.1 to 3% by weight of carbon black having an average diameter of 50 to 500nm (***corresponding to the particulate pigment of the claimed invention and thus meeting the limitations that the pigment has a mean diameter of no more than 500nm and is preset in an amount between 0.01 and 15 by weight***) uniformly dispersed therein (Column 2, lines 49-56). Renalls et al. do not specifically state their polyester film comprises a dye. However, Allen et al. disclose a polyester optical film wherein dyes may be added to the film to alter their appearance or to customize them for specific applications. Accordingly, it would have been obvious to one having ordinary skill in the art to add a dye to the polyester film disclosed by Renalls et al. given that Allen et al. specifically

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teach that dyes may be added to polyester optical films to alter their appearance or to customize them for specific applications. With regards to the limitations of the a^* , b^* , transmission of light, and haze values, the Examiner takes the position that such properties may be optimized by one of ordinary skill in the art given that transmission of light and haze values are a function of the dye used and the processing parameters employed.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renalls et al. (US 4,603,073) in view of Allen et al. (US 6,111,696) and Endo (US 6,242,081 B1).

Renalls et al. and Allen et al., as discussed above, do not disclose that the polyester film is applied to a window member. However, Endo discloses polyester films containing dyes that may be applied to windows and teach that polyester films are ideal for application to windows given that they have excellent transparency and are also excellent in workability on application to curved window glass (Column 2, lines 9-16). Accordingly, it would have been obvious to one having ordinary skill in the art to apply the polyester film taught by Renalls et al. and Allen et al. to a window given that Endo teaches that polyester films are ideal for application to windows given that they have excellent transparency and are also excellent in workability on application to curved window glass.

Response to Arguments

4. Applicant's arguments filed on February 11, 2003 (Paper No. 7) have been fully considered but they are not persuasive. Applicants traverse the rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Renalls et al. (US 4,603,073) in view of Allen et al. (US 6,111,696) and submit that the instant invention is directed to optical bodies exhibiting a transmission of light within a wavelength band of interest within the visible spectrum of from 5% to 90% whereas Renalls et al., the Applicants allege, is directed to opaque polyester film. The Applicants submit that the opacity of the polyester film taught by Renalls is "no more than 0.5%" or "only about 0.25%" and hence Renalls et al. does not teach or suggest an optical body with the specified percent transmission. First, the Examiner would like to point out that the Renalls et al. simply state that *some* diskette recorders "call for no more than 0.5% transmission at a wavelength of 940nm" (Column 1, lines 15-18) or that the transmissivity of the polyester film disclosed by Renalls et al. "at 940nm is only about 0.25%". Second, the Examiner would like to point out that the *visible light region* consists of a spectrum of wavelengths, which range from about 700 *nanometers (abbreviated nm)* to *approximately 400 nm*; that would be 7×10^{-7} m to 4×10^{-7} m. Hence, Renalls *does not* teach that their polyester film has a light transmission of 0.5 to 0.25% in *the visible light spectrum*. The Examiner maintains her position with regards to the limitations of the a*, b*, transmission of light, and haze values and hence maintains that such properties may be optimized by one of ordinary skill in the art given that transmission of light and haze values are a function of the dye used and the processing parameters employed.

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Applicants further argue that Allen et al. do not provide any motivation, suggestion or rationale as to why one of ordinary skill in the art would add a dye to an already opaque pigmented film such as the one taught by Renalls et al. However, the Examiner disagrees given that Allen et al. specifically teach that dyes may be added to polyester optical films to alter their appearance or to customize them for specific applications.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (703)305-

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0594. The examiner can normally be reached on Mondays and Thursdays from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (703)308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-5408 for regular communications and (703)305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5665.



Sheeba Ahmed
April 21, 2003



Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700